



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/191,132	11/13/1998	WALID AHMED	3-39-39-6-13	8292

7590

06/19/2002

WILLIAM E. LEWIS
RYAN, MASON & LEWIS
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/191,132

Applicant(s)

AHMED ET AL.

Examiner

Shick C Horn

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14, 16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 15 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 April 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/9/02 have been fully considered but they are not persuasive.

In page 5 line 14 to page 6 line 26, applicant argued that Okanoué et al. did not disclose the addressing format comprising a combination of an identifier of the user station and an identifier of a network node whereby additional address information is not required to direct packet to and from the user station is not persuasive because Fig. 13 shows and col. 10 lines 7-17 which recite a packet format having a header including the location address as a destination address and the peculiar address of the home agent as source address whereby transfer flag is added to the multicast group information section to show that the encapsulated message is sent from the home agent clearly reads on the addressing format, i.e. packet header, comprising a combination of an identifier of the user station, i.e. destination address, and an identifier of a network node, i.e. source address whereby additional address information is not required to direct packet to and from the user station.

Art Unit:

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit:

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 6, 12, and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,160,804. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application's claims 1 and 12 merely broaden the scope of the U.S. Patent No. 6,160,804 claims 1-4 by eliminating the step of searching a database for the address of the mobile user station. Likewise, the application's claims 6 and 16 merely broaden the scope of U.S. Patent No. 6,160,804 claim 6 by eliminating the database. It has been held that the omission of a element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ (CCPA). Also note Ex parte Rainu, 168 USPQ 375 (Bd. App. 1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

Art Unit:

Claim Rejections - 35 USC § 102

5. Claims 1, 2, 6, 7, 12, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Okanoué et al.

Okanoué et al. disclose all the subject matter now claimed. Note col. 7 lines 4-18 which recite a network having mobile stations that are managed by a home agent, i.e. network node, which belongs to a sub-network whereby the mobile stations are located in the sub-network and are connected to the sub-network by radio wherein each of the mobile stations has an specific identifier i.e. logical address, which identify each mobile station regardless of its location and a location address which is representative of the present location wherein a combination of the specific identifier and the location address is notified to each of the home agents clearly anticipate the method for use in a mobile user station communications system including the step of assigning an address to the mobile station, the address being a combination of the identifier of the mobile user station and an identifier of the network node in the communications system as in claims 1, 6, 12, and 16. Further, col. 5 lines 19-28 which recite the sub-networks having nodes for supporting or assisting a mobile host whereby the nodes called agents and the mobile host

Art Unit:

being related to the node located in the sub-network are called a home network; a specific node is called a home agent for the specific mobile host which has a specific identifier or a home address assigned by the network wherein the home agent manages the mobile host by the use of the specific identifier clearly anticipate the mobile user station, the network node, and the assigned address of the mobile user station being a combination of the station identifier and the network node identifier as in claims 1, 6, 12, and 16. Col. 5 lines 28-38 which recite the mobile host being able to freely travel among sub-networks and if the mobile host travels from the sub-network 302 to the sub-network 303, as shown in Fig. 3, the node 306 being called a foreign agent for the mobile host 307 sends location information 308 and 309 which are representative of the present location of the mobile host 307 to the foreign agent 306 and the home agent 304, respectively, whereby the foreign agent 306 and the home agent 304 memorize the location information 308 and 309, respectively, to support the mobile host 307 clearly anticipate the step of assigning another address to the mobile user station when the station becomes associated with another network node as in claims 2 and 7. Fig. 6 which shows multicasting for a mobile host in a network including a sub-networks connected to one

Art Unit:

another whereby the sub-networks have nodes which accept a mobile host in the network clearly reads on the node being able to move within the system in addition to the user stations as in claims 12 and 16.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and

Art Unit:

potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-4, 8-9, 11, 13-14, 17-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okanoué et al. as applied to claims 1, 6, 12, and 16 above, and further in view of Takagi et al.

Okanoué et al. did not teach the identifier of the mobile user station being an medium access control address of the station and the address of the mobile user station includes an application flow identifier as in claims 3-4, 8-9, 11, 13-14, 17-18, and 20, respectively. Okanoué et al. did not recite the interface identifier being a data link address as in claims 11, 13, 17, and 20.

Takagi et al. teach that it is known to use an IP datagram for which a set of [source IP address, destination IP address, flow ID] as an entry for the TCP layer relay or the application layer as set forth at col. 13 line 56 to col. 14 line 15 in the field of digital and multiplex communications for the purpose of providing reliable communications using transport layer connection which clearly anticipate the address of the mobile user station includes an application flow identifier as in claims 4, 9, 14, and 18. Col. 27 lines 35-45 which recite the IP

Art Unit:

datagram to be transmitted by frames having a destination MAC address being multicast by frames having a multicast destination MAC address clearly anticipate the identifier of the mobile user station being an medium access control address of the station and the interface identifier being a data link address as in claims 3, 8, 11, 13, 17, and 20.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the identifier of the mobile user station being an medium access control address of the station, the address of the mobile user station includes an application flow identifier; and the interface identifier being a data link address as taught by Takagi et al. to the system of Okanou et al. because Takagi et al. teach the desirable advantage of providing reliable communications using transport layer connection and said reliable communications being desirable to achieve more efficient system operation in Okanou et al.

Allowable Subject Matter

8. Claims 5, 10, 15, and 19 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Art Unit:

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ahmed et al. in U.S. Patent no. 6,256,300 disclose a mobility management for a multimedia mobile network.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular

Art Unit:

work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

June 14, 2002

Sema S. Rao
Primary Examiner
AU 2661